

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

202306021-1

| | |
|--|---|
| Originating Department: | Public Works |
| Division/Program: <i>(i.e. Dept. Division and Program)</i> | Natural Resources - PIC Program (950530) |
| Contract or Grant Administrator: | Ingrid Enschede |
| Contractor's / Agency Name: | Washington State Department of Health |
| <p>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>202306021</u></p> | |
| <p>Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____</p> <p>Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</p> | |
| <p>Is this a grant agreement?</p> <p>Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, grantor agency contract number(s): <u>GVL28189-1</u> CFDA#: <u>66.123</u></p> | |
| <p>Is this contract grant funded?</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, Whatcom County grant contract number(s): _____</p> | |
| <p>Is this contract the result of a RFP or Bid process? Contract</p> <p>Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Cost Center: <u>19081305</u></p> | |
| <p>Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.</p> | |
| <p>If YES, indicate exclusion(s) below:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p><input type="checkbox"/> Professional services agreement for certified/licensed professional.</p> <p><input type="checkbox"/> Contract work is for less than \$100,000.</p> <p><input type="checkbox"/> Contract work is for less than 120 days.</p> <p><input checked="" type="checkbox"/> Interlocal Agreement (between Governments).</p> </div> <div style="width: 48%;"> <p><input type="checkbox"/> Goods and services provided due to an emergency</p> <p><input type="checkbox"/> Contract for Commercial off the shelf items (COTS).</p> <p><input type="checkbox"/> Work related subcontract less than \$25,000.</p> <p><input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.</p> </div> </div> | |
| <p>Contract Amount:(sum of original contract amount and any prior amendments):</p> <p>\$ <u>1,478,994</u></p> <p>This Amendment Amount:</p> <p>\$ <u>1,536,380</u></p> <p>Total Amended Amount:</p> <p>\$ <u>3,015,374</u></p> | <p>Council approval required for; all property leases, contracts or bid awards exceeding \$40,000, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, except when:</p> <ol style="list-style-type: none"> 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance. 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County. |
| <p>Summary of Scope:</p> | |
| <p>This amended interagency agreement provides more funding to the Whatcom County Flood Control Zone District to adapt the Whatcom County Pollution Identification and Correction (PIC) Program to address fecal bacteria sources during critical environmental conditions and in hot spots impacting areas with shellfish harvest closures or declining water quality. Activities include program management and coordination, community outreach and engagement, landowner engagement, and communicating outcomes.</p> | |
| <p>Term of Contract: July 1, 2023 - Sept. 30, 2027 Expiration Date: September 30, 2027</p> | |

| | |
|--|-------------------|
| Contract Routing: | Date: |
| 1. Prepared by: <u>Ingrid Enschede</u> | <u>4/24/25</u> |
| 2. Attorney signoff: <u>Christopher Quinn</u> | <u>4/24/25</u> |
| 3. AS Finance reviewed: <u>bbennett</u> | <u>04/24/25</u> |
| 4. IT reviewed (if IT related): _____ | Date: _____ |
| 5. Contractor signed: _____ | Date: _____ |
| 6. Executive contract review: _____ | Date: _____ |
| 7. Council approved, if necessary: <u>AB2025-347</u> | <u>05/13/2025</u> |
| 8. Executive signed: _____ | Date: _____ |
| 9. Original to Council: _____ | Date: _____ |

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

**Elizabeth Kosa
Director**





NATURAL RESOURCES

322 N. Commercial, 2nd Floor
Bellingham, WA 98225
Telephone: (360) 778-6230
FAX: (360) 778-6231
www.whatcomcounty.us

MEMORANDUM

TO: The Honorable Satpal Singh Sidhu, Whatcom County Executive, and The Honorable Members of the Whatcom County Council, collectively serving in their capacity as the Whatcom County Flood Control Zone District Board of Supervisors.

THROUGH: Elizabeth Kosa, Public Works Director

FROM: Gary Stoyka, Natural Resources Manager 
Ingrid Enschede, Senior Planner 

DATE: April 24, 2025

RE: Amendment No. 1 to Interagency Agreement between State of Washington Department of Health and Whatcom County Flood Control Zone District

Please find enclosed for your review Amendment No. 1 to Interagency Agreement #GVL28189-1 between the State of Washington Department of Health and Whatcom County Flood Control Zone District to support implementation of the Whatcom County Pollution Identification and Correction (PIC) Program.

Requested Action

Public Works respectfully requests that the Flood Control Zone District Board of Supervisors authorize the County Executive to sign this amendment to the interagency agreement to provide additional support to the PIC Program.

Background and Purpose

This grant agreement provides funds to support the adaption and implementation of the Whatcom County PIC Program. The original agreement provided funding from July 1, 2023 through December 31, 2025. This amendment provides additional funding to extend the scope of work through September 30, 2027.

The PIC Program's purpose is to reduce fecal bacteria in waterways and reopen shellfish beds. Tasks funded through this agreement include: program management and coordination, community outreach and engagement, landowner engagement, and communicating project outcomes and lessons learned. The amended scope of work includes new initiatives and next project phases in addition to continuing existing tasks.

Funding Amount and Source

This amendment to the grant agreement with the Washington State Department of Health will provide an additional \$1,536,380 in funding for a total grant amount of \$3,015,374 to complete tasks outlined in the amended scope of work (cost center 19081305).

Please contact Ingrid Enschede at extension 6229 if you have any questions or concerns regarding the terms of this agreement.

Encl.



CONTRACT AMENDMENT

| | |
|---|---------------------------------------|
| 1. NAME OF CONTRACTOR Whatcom County Flood District | 2. CONTRACT NUMBER GVL28189 |
| 1a. ADDRESS OF CONTRACTOR (STREET) 322 N. Commercial St., 2nd floor, | 2a. AMENDMENT NUMBER 1 |
| 1b. CITY, STATE, ZIP CODE Bellingham, WA 98225 | |
| 3. <input checked="" type="checkbox"/> THIS ITEM APPLIES ONLY TO BILATERAL AMENDMENTS. The Contract identified herein, including any previous amendments thereto, is hereby amended as set forth in Item 5 below by mutual consent of all parties hereto. | |
| 4. <input type="checkbox"/> THIS ITEM APPLIES ONLY TO UNILATERAL AMENDMENTS. The Contract identified herein, including any previous amendments thereto, is hereby unilaterally amended as set forth in Item 5 below pursuant to that changes and modifications clause as contained therein. | |
| 5. DESCRIPTION OF AMENDMENT: The purpose of this amendment is to update UEI; revise the Statement of Work; add funding; and revise the Period of Performance. 5a. Statement of Work: Exhibit A is revised in accordance with Exhibit A-1 , attached hereto and incorporated herein. 5b. Consideration: This amendment increases the Contract Consideration by \$1,536,380.00 ; therefore, the revised maximum consideration of this contract and all amendments shall not exceed \$3,015,374.00 . Source of Funds for this Amendment: (FED) \$1,536,380.00 ; (ST) \$0 ; (Other) \$0 ; Total \$1,536,380.00 Contractor agrees to comply with applicable rules and regulations associated with these funds. 5c. Period of Performance: is extended through September 30, 2027 . 5d. The Effective Date of this Amendment: is the Date of Execution . | |
| 6. All other terms and conditions of the original contract and any subsequent amendments thereto remain in full force and effect. | |
| 7. <input type="checkbox"/> This is a unilateral amendment. Signature of contractor is not required below. <input checked="" type="checkbox"/> Contractor hereby acknowledges and accepts the terms and conditions of this amendment. Signature is required below. | |

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:

Recommended for Approval:

Elizabeth Kosa 05/14/2025
Elizabeth Kosa (May 14, 2025 12:39 PDT)

Elizabeth Kosa, Public Works Director Date

Approved as to form only:

Christopher Quinn 05/28/2025
Christopher Quinn (May 28, 2025 11:19 PDT)

Christopher Quinn, Date
Chief Deputy Prosecuting Attorney – Civil Division

Approved:

Accepted for Whatcom County Flood Control Zone District

Satpal S. 06/03/2025
By: Satpal Sidhu (Jun 3, 2025 10:21 PDT)

Satpal Singh Sidhu, Whatcom County Executive, Date
acting for the Whatcom County.
Flood Control Zone District Board of Supervisors

DOH Contracting Officer Signature

By: John L. Webley Date: 06/04/2025

This document has been approved as to form only by the Assistant Attorney General.

STATEMENT OF WORK
Washington State Department of Health Contract #GVL28189-1
Whatcom County Flood District
Whatcom County PIC Program

Subrecipient Organization Name: Whatcom County Flood Control Zone District

Unique Entity Identifier (replaced DUNS#) V4VJKSKP3BA7

Other Specific Organization Info (e.g., Statewide Vendor#, UBI, Federal Tax ID): SWV000242552; 600358208; 91-6001383

Subrecipient Contacts:

Grant Manager: Ingrid Enschede, iensched@co.whatcom.wa.us, (360) 778-6229, 322 N. Commercial St. 2nd Floor, Bellingham, WA 98225

Grant Admin: Ingrid Enschede, iensched@co.whatcom.wa.us, (360) 778-6229, 322 N. Commercial St. 2nd Floor, Bellingham, WA 98225

Fiscal Office: Julia Green, jcgreen@co.whatcom.wa.us (360) 778-6313, 322 N. Commercial St. 4th Floor, Bellingham, WA 98225

Authorized Contract Signatory: Satpal Singh Sidhu, County Executive, ssidhu@co.whatcom.wa.us, (360) 778-5200, 311 Grand Ave. Suite 108, Bellingham, WA 98225

Shellfish Strategic Initiative Lead (SSIL) Contacts:

Contract Manager: Kathy Greer, kathy.greer@doh.wa.gov, (360) 236-3369

Effective Date: DOE

Expiration Date: 09/30/2027

Not to Exceed: \$3,015,374

| | |
|--------------------------------------|--------------------|
| Contract Number | GVL28189 |
| FFY Funding Year | 2022, 2024 |
| Strategic Initiative | Shellfish |
| Vital sign links | Shellfish |
| Implementation Strategy alignment | Shellfish |
| Amount of dollars leveraged | \$500,000 per year |
| Number of positions supported | 4.75 |
| Project Location: Latitude/Longitude | 48.7548, -122.4777 |

Spatial data placeholder...If project warrants spatial data in addition to lat/long, SIL may require more specific information; information and placement for requirement is SIL specific.

STATEMENT OF WORK
Washington State Department of Health Contract #GVL28189-1
Whatcom County Flood District
Whatcom County PIC Program

OVERVIEW

Adapt and improve the successful Whatcom County Pollution Identification and Correction (PIC) Program, in coordination with the Whatcom Clean Water Program, to address fecal bacteria sources during critical environmental conditions and in hot spots impacting areas with tribal, commercial, or recreational shellfish harvest. Priority focus is on watersheds with closures or declining water quality.

- *Participate in Whatcom Clean Water Program (WCWP) and coordinate field staff and seasonal plans.*
- *Coordinate, manage, and map data collected by WCWP partners and community groups.*
- *Engage community members in long-term water quality protection through social marketing campaigns and focused messaging based upon root cause analysis and community metrics.*
- *Provide community workshops and events with focused messages and tools for addressing bacteria sources.*
- *Provide technical assistance through farm planners to enhance management practices.*
- *Provide financial incentives to expand community knowledge, make behavior changes easier to implement, and engage residents in stewardship pledges and actions.*
- *Implement a regulatory backstop for violations and discharges that are not controlled through incentive-based programs.*
- *Share data and information with transboundary partners to help identify and address fecal bacteria sources.*
 - *Share Whatcom County PIC Program resources with regional partners doing similar work.*

GOALS & MEASURABLE OBJECTIVES

Key metrics and measures of contract activities This table is a component of the FEATS report.

| Description (e.g., “shellfish beds reopened”) | Units (e.g., “acres”) | Targets (e.g., “number”) |
|---|--------------------------|-----------------------------|
| Upgrade number of acres from Conditional to Approved for shellfish harvest in Drayton Harbor (target is acres classified as Conditional as of Feb. 2025) | Acres | 743 |
| Upgrade number of acres from Conditional to Approved for shellfish harvest in Portage Bay (target is acres classified as Conditional as of Feb 2025, original grant target was 801 acres, 360 acres were upgraded from Conditional to Approved August 2024) | Acres | 442 |
| Maintain number of Approved acres for shellfish harvest in | Acres | 834 |

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|---|---|--|
| Drayton Harbor (target is acres classified as Approved as of Feb 2025) | | |
| Maintain number of Approved acres for shellfish harvest in Portage Bay (target is acres classified as Approved as of Feb 2025, original grant target was 518 acres, 360 acres were upgraded from Conditional to Approved August 2024) | Acres | 878 acres |
| Maintain approved shellfish growing areas in Lummi Bay (target is acres classified as Approved as of Feb 2025) | Acres | 3,643 |
| Maintain approved shellfish growing areas in Birch Bay (target is acres classified as Approved as of Feb 2025) | Acres | 3,137 |
| Increase number of months Conditionally Approved area in Portage Bay is approved for shellfish harvest (currently 9 open months as of Feb 2025) | Months | +3 |
| Increase number of months Conditionally Approved area in Drayton Harbor is approved for shellfish harvest (currently 9 open months as of Feb 2025) | Months | +3 |
| Increase percent of routine freshwater monitoring stations meeting annual water quality targets | Percent of stations meeting water quality targets | 70% (currently 53% of 110 stations for 2023) |
| Distribute annual PIC newsletters to share progress and available assistance programs | Newsletters | 12,000 |

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Whatcom County Flood District
Whatcom County PIC Program

| | | |
|---|--------------------------|-------|
| Participate in community events (in person or virtual) to provide information about water quality patterns, PIC resources, and stewardship behaviors | Events | 22 |
| Contact landowners and residents in water quality focus areas with PIC messaging and resources to build community awareness, knowledge, and stewardship actions | Mailers | 4,000 |
| Contact landowners with agricultural operations with seasonal messaging to provide connections to assistance programs | Letters/mailers/contacts | 400 |
| New audiences reached | Target audience | 1 |
| Complete or update farm plans to guide improved management practices | Plans | 240 |
| Provide incentives for septic maintenance and small farm improvements | Rebates | 515 |
| Presentations given or displayed to share PIC Program successes and challenges with broader audiences | Presentations or Posters | 3 |

TASKS & DELIVERABLES

Whatcom County Flood Control Zone District (hereafter referred to as the subrecipient) will manage all project components, including but not limited to subcontract(s), invoice submission, budget, and deliverable completion and submission. The subrecipient will submit deliverables to the Shellfish SIL Administrative Assistant via email and copy the Contract Manager. Invoices will be sent to the NEP Invoices inbox at NEPInvoices@doh.wa.gov. The Contract Manager will provide access to the [Shellfish SIL's Subrecipient Share Point site](#) where the subrecipient can access the Shellfish SIL Grant Guidance.

Tasks, deliverables, and target completion dates for this sub-award are:

STATEMENT OF WORK
Washington State Department of Health Contract #GVL28189-1
Whatcom County Flood District
Whatcom County PIC Program

►► **TASK 1. Project Development**

1.1 QUALITY ASSURANCE PROJECT PLAN (QAPP) DEVELOPMENT

Per EPA sub-award terms and conditions, for projects that involve the collection, production, evaluation, or use of environmental information, the sub-recipient must submit a Quality Assurance Project Plan (QAPP) to the Washington State Department of Ecology's NEP Quality Coordinator (NEP QC) using EPA's NEP guidance for QAPPs. Project work should not begin until the Quality Assurance Project Plan (QAPP) has Quality Assurance approval. At contract start, the RECIPIENT must work with the NEP QC to ensure the project meets quality assurance requirements per the contract terms and conditions.

The RECIPIENT is also required to conduct and document an annual review of the approved QAPP with ECOLOGY for projects exceeding one year in duration. For any changes prior to the annual review the RECIPIENT must contact the NEP QC to confirm required documentation. Changes may include but are not limited to new sampling sites, extended timeline, updated methods, and changes to analysis.

1.2 PROJECT FACTSHEETS

Using the templates provided, the subrecipient must complete an initial one-page Project Factsheet at the outset of the contract. A final one-page Project Factsheet is due at the end of the contract. The initial factsheet will provide an overview of the project and a brief description of the subrecipient's organization. The subrecipient will submit the initial factsheet with the first quarterly progress report. The subrecipient will submit the final factsheet at the end of the contract to summarize project outcomes, lessons learned, and next steps. The Shellfish SIL will make the factsheets publicly available through the website <https://pugetsoundestuary.wa.gov/>.

| Subtask Number | Deliverable | Task Budget | Target Completion Date |
|----------------|---|---|---|
| 1.1 | Copy of signed QAPP or QAPP waiver documentation. QAPP Annual Review | Reimbursement up to \$0 based on actual costs | Draft due within 30 days of agreement start date Due annually on QAPP signature date |
| 1.2 | a. Initial Project Factsheet b. Final Project Factsheet | | a. Due with first quarterly report b. 2 weeks prior to contract end date |

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Whatcom County Flood District
Whatcom County PIC Program

► **TASK 2. Project Administration and Reporting**

Task 2 describes the project administrative and reporting requirements. The subrecipient will refer to and comply with all underlying state and federal terms and conditions.

2.1 PROGRESS REPORTING AND INVOICING

The subrecipient will submit quarterly progress reports by the specified target completion dates. Quarterly reporting periods are:

| | |
|-----------------------------|--|
| Quarter 1 reporting period: | January 1 – March 31 (FEATS will serve as 1 st quarter report) |
| Quarter 2 reporting period: | April 1 – June 30 |
| Quarter 3 reporting period: | July 1 – September 30 (FEATS will serve as 3 rd quarter report) |
| Quarter 4 reporting period: | October 1 – December 31 |

Progress reports shall include:

- A description of:
 - Work completed for each task/subtask during the reporting period, including what deliverables were completed and submitted during the reporting period.
 - Total allowable spending by task.
 - Status for ongoing project tasks.
 - Challenges affecting task-specific or overall project completion date(s), scope of work, or costs.
- Evidence of satisfactory completion of all reporting requirements.

The subrecipient will email quarterly progress reports and deliverables to the NEP Administrative Assistant and copy their Contract Manager.

Invoices and supporting documentation will be emailed to NEPInvoices@doh.wa.gov. The subrecipient will submit invoices at least quarterly, but no more frequently than monthly. At the end of the contract period, the subrecipient will submit their final invoice within 60 days of contract expiration. The final invoice will be marked "Final". Invoices received more than 60 days after contract expiration may not be eligible for reimbursement.

2.2 EPA FEATS REPORTING

The subrecipient will complete semi-annual FEATS (*Financial and Ecosystem Accounting Tracking System*) progress reports and a closeout FEATS report. The closeout FEATS report will be submitted within 60 days of the contract expiration date and will reflect the final project billing. The closeout FEATS report will describe task work completed throughout the project, highlight project outcomes, and summarize lessons learned.

FEATS Reporting Periods:

| | |
|------------------------|--|
| April 1 – September 30 | Serves as 3 rd quarter progress reporting |
| October 1 – March 31 | Serves as 1 st quarter progress reporting |

2.3 DATA REPORTING

Subrecipient will report additional data requirements as determined by NEP. The subrecipient and the NEP Data and Information Coordinator, Abigail Ames abigail.ames@doh.wa.gov, will determine what data variables will be reported on within 60 days of contract execution. Data reporting will be collected every six months with the FEATS reporting cycle.

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Whatcom County PIC Program

2.4 MINORITY BUSINESS ENTERPRISE/WOMEN BUSINESS ENTERPRISE (MBE/WBE) REPORTING

The subrecipients will submit MBE/WBE utilization reports each year as required by the [federal terms and conditions included in this contract](#). Reports will be in the format located on the EPA webpage https://www.epa.gov/system/files/documents/2021-08/epa_form_5700_52a.pdf and will include all qualifying purchases OR will clarify that no qualifying purchases were made. MBE/WBE reporting periods are from October 1 to September 30 annually. Reports are due to Taylor Warren at Taylor.warren@doh.wa.gov 15 calendar days after the end of each reporting period with the DOH Contract Manager carbon copied.

2.5 WATER QUALITY EXCHANGE (WQX) DATA REPORTING (IF APPLICABLE)

The Water Quality Exchange (WQX) is the tool for data partners to submit monitoring data to EPA. If the subrecipient collects any physical, chemical, or environmental data (e.g., dissolved oxygen, water temperature, salinity, turbidity, pH, phosphorous, total nitrogen, *E. coli* or enterococci, and other biological and habitat data), then the subrecipient's QAPP will specify data to be reported through WQX.

Data for a calendar year (Jan. 1 – Dec. 31) must be submitted at least annually.

See WQX information, including tutorials, at <https://www.epa.gov/waterdata/water-quality-data-wqx>.

WQX reporting completed by: Annually by December 31

2.6 SUBCONTRACTS AND SUBAWARDS

The subrecipient will execute one or more subawards and subcontracts (professional services agreements) to support this agreement. The subrecipient will execute a subaward interlocal agreement with the Whatcom Conservation District for components of tasks 3, 4, and 5. Work completed through this subaward will include: data management, coordination, analysis, and sharing; database upgrades with visualization tools; identification; community outreach and engagement through workshops and events; and providing farm assessments and technical assistance. The subrecipient will also execute one or more subcontracts for components of task 4. Work completed through these subcontracts will support a community outreach campaign to expand cultural inclusivity in PIC stewardship messaging. Selection of subcontractor must comply with applicable provisions of 2 CFR part 200 and the EPA subaward policy, which may be found at <http://wcms.Epa.Gov/grants/grants-policy-issuance-gpi-16-01-epa-subaward-policy-epa-assistance-agreement-recipients>. A meeting(s) may be held to clarify the scope, schedule, and deliverables for the subcontract. The subrecipient and subcontractor will execute the contract and hold a kick-off meeting.

| Subtask Number | Deliverable | Task Budget | Target Completion Date |
|----------------|---|--|---|
| 2.1 | Quarterly progress reporting (FEATS reporting, Task 2.2 serves as 2 nd and 4 th quarter reporting, annually) | Reimbursement up to \$0 based on actual costs | Annually on January 15 Annually on July 15 |
| 2.2 | FEATS reporting | | Annually April 1 Annually October 1 |

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|-----|---|--|--|
| 2.3 | Data Reporting Determination of data needs | | With FEATS reporting cycle Within 60 days of contract execution |
| 2.4 | MBE/WBE Reporting | | Annually on October 15 |
| 2.5 | WQX Data Reporting | | At least annually by December 31 |
| 2.6 | Subawards [SIL specific requirements]: Kick-off meeting summary Updates on subcontractor progress as delivered by subcontractor | | TBD TBD As applicable |

TASKS 1, 2, AND 5 (FINAL TASK) ARE STANDARD SSIL REQUIREMENTS. USE TASK 3 AND ANY ADDITIONAL TASKS NEEDED FOR PROPOSAL SPECIFIC DELIVERABLES.

►► **TASK 3. Program Management and Coordination**

Manage and adapt the successful Whatcom County Pollution Identification and Correction (PIC) Program to address fecal bacteria sources during critical environmental conditions and in hot spots still impacting areas with tribal, commercial, or recreational shellfish harvest closures or declining water quality. Priority will be given to improve water quality in areas having the greatest impact on shellfish growing area classification. Program management will be done in coordination with the Whatcom Clean Water Program (WCWP). The WCWP is a partnership of local, state, and federal agencies and tribes working together to reduce bacteria pollution affecting shellfish growing areas in Whatcom County. WCWP goals are to increase the number of months and acreage approved for shellfish harvest in Whatcom County. Work performed for this agreement will focus on addressing bacteria sources in the Drayton Harbor and Portage Bay watersheds, but also include other coastal drainages as feasible.

3.1 PIC PROGRAM MANAGEMENT AND COORDINATION

Coordinate program activities through PIC field staff meetings with WCWP partners (bi-weekly), PIC managers meetings (quarterly), and WCWP all staff meetings (annually). Partners will report on their work, identify priorities, and coordinate water quality monitoring, landowner contacts, and community outreach messaging. Whatcom County and Whatcom Conservation District (WCD) staff will coordinate with community groups within the project area and with Canadian partners in transboundary watersheds to address fecal bacteria sources.

New initiatives for 2025-2027 will include: improving coordination with NPDES Phase II stormwater programs, using an assessment of coastal areas vulnerable to sea-level rise and flooding to assess on-site sewage (OSS) pollution risk near shellfish beds, developing a 5-year Whatcom County PIC Program strategic plan, conducting data collection and analysis projects that provide information about bacteria loading related to climate and extreme weather events, and using the 2024-2025 Whatcom County Microbial Source Tracking (MST) project findings to inform source identification actions.

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Fund a Data Coordinator position (0.75 FTE), housed at the WCD, to manage the WCWP water quality database and online map of preliminary water quality data and provide other data support to WCWP partners, transboundary efforts, and community groups in the PIC areas. Compile, manage, share, and analyze WCWP data to guide water quality improvement. WCD staff will upgrade the water quality database and improve online data visualization.

3.2 SEASONAL STRATEGIES

Develop fall and winter seasonal strategies with adaptations to address critical environmental conditions including new approaches to address extreme weather patterns. Adaptations will consider impacts of extreme weather events in the dry and wet seasons, barriers to reaching under-served populations, and other emerging issues. Implement seasonal strategies.

| Subtask Number | Deliverable | Task Budget | Target Completion Date |
|----------------|--|---|--|
| 3.1 | Quarterly reports will provide a summary of program management and coordination activities and progress including: <ul style="list-style-type: none"> • Meetings and coordination activities • Data coordination, sharing, and management activities • Outcomes from data collection and analysis projects • Transboundary water quality coordination activities and accomplishments • Database and data visualization improvements • Progress made on new initiatives | Reimbursement up to \$476,850 based on actual costs | Per task 2 progress reporting scheduling |
| 3.1 | Improved water quality results database and Whatcom Clean Water Program water quality dashboard with visualization tool development | | December 2025 |
| 3.2 | Annual fall/winter seasonal strategy summaries | | With January quarterly reports |

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Whatcom County Flood District

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▶▶ TASK 4. Community Outreach and Engagement

Continue to engage community members in long-term stewardship behaviors addressing diverse and dispersed non-point bacteria pollution sources. Use social marketing techniques, root cause analysis, and focused messaging based on identified audiences, values, and targeted bacteria sources. Fund a PIC Outreach Program Specialist position (1.0 FTE) at Whatcom County Public Works to support PIC community outreach and engagement activities.

4.1 SOCIAL MARKETING AND COMMUNITY ENGAGEMENT

Continue and expand social marketing campaigns designed to increase adoption of behaviors that prevent bacteria pollution from septic systems, dog waste, and farm operations with a continued emphasis on actions needed in the fall to reduce bacteria spikes in first flush events. Continue broad community engagement with workshops, events, newsletters, advertising, and social media posts. Provide community workshops and events with focused messages and tools for addressing bacteria sources. Evaluate effectiveness of social marketing and community engagement activities by tracking responses to social media posts, website hits, and program participation. Adapt outreach strategies annually based on feedback received and responses identified through evaluation tools. Build capacity to reach and engage underserved communities. Draft outreach materials will be provided to DOH for a minimum two-week review. Materials will be batched when possible and sent to DOH for review as early as possible.

New initiatives for 2025-2027 include: developing a WCWP Annual Report/Summary for external partners and stakeholders that highlights the prior year's activities, successes and challenges; reaching new target audiences; and combining grant-and locally-funded outreach resources to create PIC outreach toolkits by season/topic to share with other regional PIC programs. Please include the following, as applicable:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PC-01J89801 to the Washington State Department of Health. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

4.2 CULTURAL INCLUSIVITY

Develop and implement a cultural inclusivity outreach and engagement campaign that identifies key communities to reach, leaders in those communities, communication opportunities, and stewardship messages that will resonate with the community members. The campaign will include development of messages that resonate with focus audiences and outreach materials/graphics/advertisements that engage community members in behaviors that reduce bacteria pollution from a specific source or activities. Evaluation metrics will be developed as a component of the campaign plan and could include measuring use of translated materials or hits to website pages in other languages. Work will be completed in phases. Phase 1 will include characterizing a focus audience and selecting water quality stewardship behaviors that are applicable to this group. Phase 2 will include developing and distributing culturally relevant messages in the appropriate language(s). Draft outreach materials will be provided to DOH for a minimum two-week review. Materials will be batched when possible and sent to DOH for review as early as possible.

| Subtask Number | Deliverable | Task Budget | Target Completion Date |
|----------------|--|---|---|
| 4.1 | Develop a two-year outreach plan including ongoing outreach activities, focused outreach campaigns, events, and timelines. Update the two-year outreach plan. | Reimbursement up to \$806,223 based on actual costs | Draft outreach plan (Oct 23-Dec25) September 2023 |

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| | | | Draft outreach plan (2026-2027) November 2025 |
| 4.1 | Develop and implement educational and marketing tools including: newsletters, direct mailings, social media posts, and ads (newspaper, radio, bus, etc.). | | *Outreach deliverables such as fliers are due to DOH for review and approval a minimum of 2 weeks prior to sharing and must include EPA Recognition statement Final materials due as completed and at least quarterly |
| 4.1 | Whatcom Clean Water Program Annual Report/Summary | | March 2026 & March 2027 |
| 4.1 | PIC outreach toolkits <ul style="list-style-type: none"> • 2 seasonal toolkits • 2 topic toolkits | | August 2027 |
| 4.1 | Progress reports will include a summary of outreach tasks and activities completed including: <ul style="list-style-type: none"> • Farm workshops (target 19) • Farm Expo event (target 4) • Participate in community events (target 18) • Send newsletters (target 12,000) • Advertisements • Social media posts (target 10/month) • Community outreach contacts (mailings or similar) (target 4,000) | | Per task 2 progress reporting scheduling |

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| | <ul style="list-style-type: none"> # new target audiences reached | | |
| 4.2 | Cultural inclusivity outreach campaign plan | | January 2024 |
| 4.2 | Cultural inclusivity outreach campaign Phase 1 materials: Community Profile | | June 2025 |
| 4.2 | Cultural inclusivity outreach campaign Phase 1 summary report | | December 2025 |
| 4.2 | Cultural inclusivity outreach campaign Phase 2 outreach materials | | December 2026 |
| 4.2 | Cultural inclusivity outreach campaign Phase 3 plan to pilot, execute, and evaluate selected strategies and materials | | April 2027 |

► TASK 5. Landowner Engagement

Continue to provide technical and financial assistance programs that lead to behavior changes to reduce fecal bacteria pollution. Focus landowner engagement activities on priority drainages with water quality hotspots. Provide financial incentives that encourage participation in community workshops and online training, facilitate site visit sign-ups, expand community knowledge, and make behavior changes easier to implement. Implement a regulatory backstop for violations and discharges that are not controlled through incentive-based programs. Fund Farm Planner assistance (2.0 FTE) at the Whatcom Conservation District (WCD) to provide technical assistance to non-dairy landowners and operators with agricultural operations. Technical assistance will include assessments and farm plan development for new clients as well as ongoing support and updated farm plans for established clients. Fund a Conservation Program on Agricultural Lands (CPAL) Planner position at Whatcom County Planning and Development Services (PDS) (1.0 FTE) to support landowner engagement activities, gain compliance with Critical Areas Ordinance (CAO) regulations related to agricultural activities in critical area buffers, and provide long-term monitoring of farm plans.

5.1 LANDOWNER COMMUNICATION

Public Works will work with WCWP partners to contact landowners in PIC areas with non-dairy agricultural operations using a tiered approach to landowner engagement. Contacts will have an emphasis on sites with recurring concerns and areas with fecal bacteria hot spots to provide water quality information and offer technical and financial assistance programs to reduce preventable fecal bacteria sources. Staff will prioritize areas for landowner contacts based on watershed boundaries, drainage patterns, land uses, bacteria levels (i.e., hot spot areas), seasonal patterns, and potential sources. Landowners with noted violations or discharges that do not respond to PIC outreach efforts will be referred to regulatory agencies to pursue compliance. All pollution identification data will be shared with state or federal agencies upon request.

5.2 FARM ASSESSMENTS

The WCD will provide technical assistance for non-dairy agricultural operations through site assessments, development of farm plans, and on-going support to landowners implementing Best Management Practices (BMPS). The WCD receives referrals from all WCWP partners and offers services in Spanish.

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5.3 REGULATORY BACKSTOP

Whatcom County PDS staff will implement a tiered compliance strategy that includes education, permitting if required, farm plan monitoring, response to complaints or agency referrals, technical assistance, outreach through community events and other methods, and enforcement. Referrals are received from the WCWP PIC process, the WCD for permits, internally through PDS permitting, and through complaints or ERTS reports. Efforts will be focused on promoting enrollment in CPAL as a way to bring landowners into compliance with the CAO and reduce sources of bacteria pollution. CPAL participation will be increased through outreach, improved internal processes, and the development of CAO landowner compliance tools. Short term compliance will occur through exclusions of agricultural activities from regulated waterways and buffers or enrollment in CPAL, which requires a farm plan. Activities will include helping landowners enroll in CPAL and sending technical assistance letters, warning letters, and Notices of Violations. Long-term compliance will be addressed through an enhanced farm plan monitoring program and farm plan updates for properties enrolled in CPAL.

5.4 FINANCIAL ASSISTANCE

Provide septic maintenance rebates and small farm rebates to eligible landowners/operators with septic systems or agricultural operations in Whatcom County watersheds that discharge to marine waters. To be eligible for a septic rebate, a landowner/operator must attend a County Health septic workshop or complete the online training and associated quiz. Standard septic rebates are: (1) up to \$150 for evaluations, risers and lids, or baffles; or (2) \$250 for pumping. Assistance septic rebates for low/fixed income landowners are up to \$500 for evaluation and pumping. To be eligible for a small farm rebate, a landowner/operator must attend a WCD farm workshop, complete a WCD online training, or have WCD staff visit the farm site. Small farm rebates are: up to \$300 for heavy use area materials, barn gutters and downspouts, fencing, or cover crop seed.

| Subtask Number | Deliverable | Task Budget | Target Completion Date |
|----------------|---|---|--|
| 5.1 | Progress reports will include a summary of: Type and number of letters sent (target 400 contacts in fall/winter seasons) | Reimbursement up to \$1,732,301 based on actual costs | Per task 2 progress reporting scheduling |
| 5.2 | Progress reports will include a summary of: <ul style="list-style-type: none"> Number of operators receiving technical assistance (target 320) Number of new or updated farm plans completed by watershed (target 240) | | Per task 2 progress reporting scheduling |
| 5.3 | Progress reports will include a summary of: <ul style="list-style-type: none"> Compliance actions (NOVs, penalties) Status of referrals Status of compliance outreach Farm plan monitoring activities | | Per task 2 progress reporting scheduling |

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| 5.4 | Progress reports will include a summary of type and number of rebates given: <ul style="list-style-type: none"> • Standard septic rebate (target 460) • Small farm rebate (target 62) • Low/Fixed income septic rebate (target 110) | | Per task 2 progress reporting scheduling |
|-----|--|--|--|

►► **TASK 6. Broader Impacts and Communication **REQUIRED TASK.** Renumber task as needed, depending on how many proposal specific tasks are needed to complete the awarded work.

The recipient will communicate project outcomes, lessons learned, and recommendations.

6.1 BROADER IMPACT OPTIONS

DOH will negotiate with subrecipient; this subtask should note work product, focus audience, method, purpose of communication.

Example options:

- Offer a webinar on project outcomes, recommendations, and lessons learned for a relevant Puget Sound recovery community audience.
- Participate in and present project outcomes at a knowledge exchange event relevant to the project topic (conference, forum, stakeholder workshop).
 - Example: Present at the Salish Sea Ecosystem Conference
- Develop a memo or other communication tool (webpage, storymap, etc.) that gives context for how the project fits into the long-term system-scale recovery planning efforts.
- Submit high-quality project photos or video clips of the project (process, progress, etc.). Ensure anyone in the photo or video has signed a release in case photos or videos are used for future publications.
- Climate change adaptation: Develop deliverables to prepare for and adjust to current and projected impacts of climate change.
- Tribal Treaty Rights: Develop deliverables to incorporate traditional ecological knowledge and enhances shellfish, salmon, and other harvest opportunities through habitat recovery. For more information, refer to the Northwest Indian Fisheries Commission's Tribal Habitat Strategy. If you are not a tribal nation, consider contacting your local Tribe(s) for additional information.
- Environmental justice: Develop deliverables to address environmental justice, environmental health, and disproportional impacts and opportunities for influence and participation. Refer to the Washington Environmental Health Disparities Map, EPA's EJ Screen tool for geographically specific information, or other tools and research that may emerge.
- Diversity, Equity, and Inclusion: Develop deliverables to integrate principles and best practices into both the recovery work and the processes involved throughout the proposed workplan.

Other contract closeout requirements are described above. Please refer to sections 1.2, 2.1 and 2.2 for more information.

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| Task Number | Deliverable | Task Budget | Target Completion Date |
|-------------|---|---|------------------------|
| 6.1 | Present at a regional conference Possible presentation topics include: Whatcom Clean Water Program Water Quality Data Dashboard, Cultural Inclusivity Project, OSS Online Homeowner Trainings outreach to non-English speakers. | Reimbursement up to \$0 based on actual costs Funding to complete Task 6 deliverables may be provided by Task 3,4, or 5 as appropriate by topic or Whatcom County local funding. | By contract completion |

BUDGET

| Category | Amount |
|---|-------------|
| Personnel/Salaries and Fringe Benefits | \$1,078,833 |
| Benefits (See above) | \$X |
| Travel | \$0 |
| <i>Equipment may be allowable with approval</i> | \$0 |
| Supplies | \$12,000 |
| <u>Contracts</u> Contract(s) for professional services to develop a cultural inclusivity campaign (\$30,000) NOTE: In this document “contractor” refers to the federal definition of a vendor/contractor | \$65,000 |
| Other <ul style="list-style-type: none"> Subaward with the Whatcom Conservation District (\$788,332): <ul style="list-style-type: none"> Data Coordinator (0.75 FTE) Farm Planners (2.0 FTE) database upgrades (staff time and software) staffing workshop and events outreach supplies farm incentives (tarps, soil tests, or similar) Printing/mailing (\$15,000): print/mail newsletters, postcards, letters Advertising (\$15,000): digital and print ads, social media | \$1,803,174 |

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| <ul style="list-style-type: none"> • Standard rebates (\$60,000): \$150 each septic evaluation, equipment; \$250 each septic pumping; \$300 each small farm • Low/Fixed income rebates (\$20,000): \$500 each septic evaluation and pumping • Subscriptions (\$3,000): Survey Monkey and Adobe Studio for in-house design and pet waste pledge) • Training (\$1,500): training for outreach/engagement, landowner technical assistance (subawards include sub-recipient name, amount, and brief description for each) | |
| Total Direct Charges | \$2,959,007 |
| Indirect Charges (federally approved rate) 10% - NA *DOH Contract Manager will verify approved rate* | \$56,367 |
| TOTAL – Not to Exceed | \$3,015,374 |

If budget revisions are needed to the Overall Budget as shown above and the total cost of the revisions are less than 10% of the contract total, a formal amendment may not be needed, but work plan revisions and budget revisions must be submitted to DOH Contract Manager for review and approval prior to implementing any revision.

If the budget revision is >10% of the contract total, OR is in a previously unbudgeted category (e.g. if there have not been costs in supplies previously, and the revision is to now include monies for supplies), a formal amendment is needed.

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Administrative Conditions

1. National Administrative Terms and Conditions General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The subrecipient agrees to comply with the current EPA general terms and conditions available at:

https://www.epa.gov/system/files/documents/2022-09/fy_2022_epa_general_terms_and_conditions_effective_october_1_2022_or_later.pdf

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

Programmatic Conditions

HABITAT, SHELLFISH, and STORMWATER Strategic Initiative Leads - (PC) Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program Programmatic Terms and Conditions: 6/2021

A. Semi-Annual Performance Reports

The subrecipient shall submit performance reports every six (6) months during the life of the project. Reports are due 30 calendar days after the end of each reporting period. Reports shall be submitted to the NEP Contract Manager and will be provided electronically.

In accordance with 2 CFR 200.328, as appropriate, the subrecipient agrees to submit performance reports that include brief information on each of the following areas:

1. A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
2. The reasons why established goals were not met, if appropriate;
3. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

In addition to the semi-annual performance reports, the subrecipient shall immediately notify the NEP contract manager of developments that have a significant impact on the award-supported activities. As appropriate, the subrecipient agrees to inform the NEP contract manager as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

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The subrecipient will submit performance reports through EPA's Puget Sound Financial and Ecosystem Accounting Tracking System (FEATS). Reports are due 30 calendar days after the end of each reporting period. The reporting periods shall end March 31st and September 30th of each calendar year. Reports shall be submitted to the NEP contract manager on the FEATS form provided by the NEP administrative assistant and shall be uploaded to the NEP subrecipients Sharepoint page. The subrecipient agrees to submit performance reports that include brief information on each of the following areas:

1. A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
2. The reasons for slippages if established outputs/outcomes were not met;
3. Additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

B. Final Performance Report

The subrecipient shall submit a final performance report through FEATS, which is due 60 calendar days after the expiration or termination of the award. The report shall be submitted to the NEP contract manager and must be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the NEP contract manager may waive the requirement for a final performance report if the NEP contract manager deems such a report is inappropriate or unnecessary.

C. Program Income – Addition

If program income is generated, the subrecipient is required to account for program income related to this project. Program income earned during the project period shall be retained by the subrecipient and shall be added to funds committed to the project by EPA and the subrecipient, and shall be used to further eligible project objectives.

D. Information Collection Requirements

NEP and the subrecipient agree to comply with the requirements of the Paperwork Reduction Act in completing the project. Because the scope of work includes a survey, a questionnaire or similar information-gathering activity, the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), requires NEP to obtain Office of Management and Budget (OMB) clearance prior to the subrecipient's collection of information by means of identical questions posed to 10 or more persons.

The subrecipient will provide to the NEP contract manager the following information: (1) description of the information to be collected; (2) explanation of the need for the information; and (3) to whom the survey is being directed.

E. Recognition of EPA Funding

Reports, documents, signage, videos, or other media, developed as part of projects funded by this assistance agreement shall contain the following statement:

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PC-01J89801 to the Washington State Department of Health. The contents of this document do not necessarily

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reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

F. Annual Conferences

The subrecipient may attend one or more appropriate conferences each year, which may be within the Puget Sound region. The specific conferences will be determined in consultation with the NEP contract manager. The purpose of this requirement is to provide subrecipients with opportunities to learn about and benefit from other relevant initiatives and programs that relate to the funded work; to exchange information about their funded work with organizations that may benefit from their experience; and generally to raise awareness within the Puget Sound, Salish Sea, and large aquatic ecosystem protection and restoration communities of the funded work. Example of potentially relevant conferences include, but are not limited to, the biennial Salish Sea Ecosystem Conference; local or regional meetings of Tribal, professional, scientific, or other relevant associations. Specific conferences will depend on the nature of the work proposed. Subrecipient will be allowed to use award funds to pay for travel and lodging. Subrecipient should include anticipated costs for attending conferences in their proposed budget.

G. Peer Review

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products, the Principal Investigator (PI) of this project must solicit advice, review and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the Project Monitor prior to releasing any final reports or products resulting from the funded study.

H. Competency of Organizations Generating and/or Using Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, subrecipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <http://www.epa.gov/fem/lab> or a copy may also be requested by contacting the NEP contract manager for this award.

Federal Assistance Agreement Funds Up To \$200,000

Subrecipient agrees that if the total federal funding obligated on this award exceeds \$200,000 (resulting from subsequent amendments to this agreement) and will involve the use or generation of environmental data it will (unless it has otherwise done so) demonstrate competency prior to carrying out any activities involving the generation or use of environmental data under this agreement. Federal Assistance Agreement Funds Exceed or Expect to Exceed \$200,000 Subrecipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre- award demonstration of competency is not practicable. Subrecipient agrees to submit documentation and demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data.

I. WQX Requirement

Subrecipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All water quality data generated in accordance with an EPA approved Quality Assurance Project Plan as a

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result of this assistance agreement, either directly or by subaward, will be required to be transmitted into the Water Quality Portal (WQP) using either WQX or WQX web. Water quality data appropriate for the Water Quality Portal (WQP) include physical, chemical, and biological sample results for water, sediment and fish tissue. The data include toxicity data, microbiological data, and the metrics and indices generated from biological and habitat data. The Water Quality Exchange (WQX) is the water data schema associated with the EPA, State and Tribal Exchange Network. Using the WQX schema partners map their database structure to the Water Quality Portal structure. WQX web is a web-based tool to convert data into the WQX format for smaller data generators that are not direct partners on the Exchange Network. More information about WQX, WQX web, and the Water Quality Portal, including tutorials, can be found at <https://www.epa.gov/waterdata/water-quality-data-wqx>

If activities submitted as match for this federal assistance agreement involve the generation of water quality data, the resulting information must be publicly accessible (in the Water Quality Portal or some other database). Subrecipients are encouraged to develop a cross walk between any non-WQX database utilized for the storage of water quality data associated with match activities and EPA's Water Quality Exchange (WQX).

J. Riparian Buffers

Riparian buffer restoration projects in agricultural areas shall be consistent with the interim riparian buffer recommendations provided to EPA and the Natural Resource Conservation Service by National Marine Fisheries Service letters of January 30, 2013 (stamp received date - February 4, 2013) and April 9, 2013 (stamp received date - April 16, 2013), or the October 28, 2013 guidance.

Grantees shall confirm in writing projects' consistency with the recommendations referenced above. When developing project proposals, grantees also should consider the extent to which proposals include appropriate riparian buffers or otherwise address pollution sources on other water courses on the properties in the project area to support water quality and salmon recovery.

Deviations can only be obtained through an exception approved by EPA. In order for EPA to evaluate a request for an exception, the grantee must submit the scientific rationale demonstrating adequacy of buffers for supporting water quality and salmon recovery. The request must summarize tribal input on the scientific rationale or other relevant issues. The scientific rationale could be developed from sources such as site-specific assessment data, salmon recovery plans, Total Maximum Daily Loads (TMDLs) and the state nonpoint plan. EPA will confer with the National Oceanic and Atmospheric Administration (NOAA) and the Washington Department of Ecology and provide the opportunity for affected tribes to consult with EPA before making a final decision on a deviation request.

NEP contact for riparian buffers: Lea Shields, lea.shields@doh.wa.gov.

K. International Travel (Including Canada) – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

All International Travel must be approved by the Office of International and Tribal Affairs (OITA) BEFORE travel occurs. Even a brief trip to a foreign country, for example to attend a conference, requires OITA approval. Please contact your NEP contract manager as soon as possible if travel is planned out of the country, including Canada and/or Mexico, so that they can obtain appropriate approvals from EPA Headquarters. If you have questions, please contact your NEP contract manager listed on the front page of the Award Document.

L. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov

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M. Model Programmatic Subaward Reporting Requirement (GPI-16-01)

The subrecipient must report on its subaward monitoring activities under 2 CFR 200.331(d).

Examples of items that must be reported if the pass-through entity has the information available are: Summaries of results of reviews of financial and programmatic reports. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance. Environmental results the subrecipient achieved. Summaries of audit findings and related pass-through entity management decisions.

Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance.

N. Lobbying and Litigation — PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

All Subrecipients.

- a. The chief executive officer of this subrecipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the U.S. unless authorized under existing law. The subrecipient shall abide by the Cost Principles available at 2 CFR 200 which generally prohibits the use of federal grant funds for litigation against the U.S. or for lobbying or other political activities.
- b. The subrecipient agrees to comply with Title 40 CFR Part 34, New Restrictions on Lobbying. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.
- c. In accordance with the Byrd Anti-Lobbying Amendment, any subrecipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
- d. Contracts awarded by a subrecipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- e. Pursuant to Section 18 of the Lobbying Disclosure Act, the subrecipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act. Nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are ineligible for EPA subawards.

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O. EPA's Substantial Involvement

EPA will be substantially involved in this project by participating in the following activities: (1) Within the first nine months of the project, EPA reserves the right to negotiate work plan and budget; (2) monitor the project management and execution throughout the assistance agreement's project and budget period; (3) provide technical assistance and coordination as requested or needed by the subrecipient; and (4) review and approve technical deliverables, including 30-day preaward review of subaward agreements to ensure consistency with the collaborative intent of the National Estuary Program.

P. Quality Assurance Requirements (2 CFR 1500.11)

As of February 17, 2023 any project, including work performed by Grantees, that involves the collection, production, evaluation, or use of environmental information requires an approved QAPP prior to the start of work.

Acceptable Quality Assurance documentation (QAPP) must be submitted to the DOH Contract Manager and NEP Quality Coordinator (NEP QC) within 30 days of the acceptance of this agreement or another date as negotiated with the DOH Contract Manager. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the DOH Contract Manager, in concert with the NEP Quality Coordinator, has approved the quality assurance document. Additional information on these requirements can be found at the EPA Office of Grants and Debarment website: <https://www.epa.gov/grants/implementation-quality-assurance-requirements-organizations-receiving-epa-financial>.

Instructions to Submit Quality Assurance Documents for Review

DOH and the NEP QC will determine if a QAPP is required for this project. If a QAPP is required, subrecipients will work with DOH and NEP QC to develop and submit a QAPP for approval. The QAPP development and approval process is a multi-step process. More information about QAPPs can be found at <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees>.

Q. ULO Stretch Goal:

Subrecipients of EPA assistance agreements that include subawards in the approved workplan should manage their programs and subaward funding in ways that reduce the length of time that federal funds obligated and committed to subaward projects are "unspent" federal funds, not yet drawn down through disbursements to subaward recipients. EPA encourages the reduction of these unliquidated obligations (ULOs) by applying the following programmatic term and condition to the FY2021 Strategic Initiative Lead cooperative agreements with subaward projects. Assistance agreement subrecipients are to apply these "stretch" goals throughout the life of the assistance agreement and to confer with your NEP Contract Manager whenever instances arise that make attainment of these stretch goals unlikely.

Stretch Goal: A stretch goal for utilization of funds for each new strategic initiative lead grant with subawards is established. All funds should be spent by 2 1/2 years in order for incremental funding to be considered at levels otherwise available for the fourth year of the grant.

Funds Awarded July 2021 Should all Be Drawn Down by March 2024.

Funds Awarded in FY2022 (October 1, 2021-September 30, 2022) Should all Be Drawn Down by March 2025

Funds Awarded in FY2023 (October 1, 2022-September 30, 2023) Should all Be Drawn Down by March 2026

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Funds Awarded in FY2024 (October 1, 2023-September 30, 2024) Should all Be Drawn Down by March 2027
 Funds Awarded in FY2025 All Should Be Drawn down by award end date + 90 days.

R. Animal Subjects — PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

Subrecipient agrees to comply with the Animal Welfare Act of 1966 (P.L. 89-544), as amended, 7 USC 2131-2156. Subrecipient also agrees to abide by the “U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training.” (Federal Register 50(97): 20864-20865. May 20,1985). The nine principles can be viewed at: <http://www.nal.usda.gov/awic/pubs/IACUC/vert.htm>.

S. Copyrighted Material and Data – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

In accordance with 2 CFR 200.315, EPA has the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement for Federal purposes.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the subrecipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as “co-regulators” or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA’s authorization to the other grantee to use the copyrighted works or other data.

Under Item 6, the grantee acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

1. the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or;
2. termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

T. Light Refreshments and/or Meals PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

APPLICABLE TO ALL AGREEMENTS EXCEPT STATE CONTINUING ENVIRONMENTAL PROGRAMS (AS DESCRIBED BELOW):

Unless the event(s) and all of its components are described in the approved workplan, the subrecipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops and outreach activities (events). The subrecipient must send requests for approval to the NEP Contract Manager and include:

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1. An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
2. A description of the purpose, agenda, location, length and timing for the event; and,
3. An estimated number of participants in the event and a description of their roles.

Costs for light refreshments and meals for subrecipient staff meetings and similar day-to-day activities are not allowable under EPA assistance agreements.

Subrecipients may address questions about whether costs for light refreshments, and meals for events may be allowable to the subrecipient's NEP Contract Manager; however, the Agency Award Official or Grant Management Officer will make final determinations on allowability.

Agency policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the subrecipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

EPA funding for meals, light refreshments, and space rental may not be used for any portion of an event where alcohol is served, purchased, or otherwise available as part of the event or meeting, even if EPA funds are not used to purchase the alcohol.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.7)

FOR STATE CONTINUING ENVIRONMENTAL PROGRAM GRANT SUBRECIPIENTS EXCLUDING STATE UNIVERSITIES:

If the state maintains systems capable of complying with federal grant regulations at 2 CFR 200.432 and 200.438, EPA has waived the prior approval requirements for the use of EPA funds for light refreshments and/or meals served at meetings, conferences, and training, as described above. The state may follow its own procedures without requesting prior approval from EPA. However, notwithstanding state policies, EPA funds may not be used for (1) evening receptions, or (2) other evening events (with the exception of working meetings). Examples of working meetings include those evening events in which small groups discuss technical subjects on the basis of a structured agenda or there are presentations being conducted by experts. EPA funds for meals, light refreshments, and space rental may not be used for any portion of an event (including evening working meetings) where alcohol is served, purchased, or otherwise available as part of the event or meeting, even if EPA funds are not used to purchase the alcohol.

By accepting this award, the state is certifying that it has systems in place (including internal controls) to comply with the requirements described above.

U. State Grant Cybersecurity - PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

1. The subrecipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.
2. (1) EPA must ensure that any connections between the subrecipient's network or information system and EPA networks used by the subrecipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external

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IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition. If the subrecipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the NEP Contract Manager and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The subrecipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The subrecipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the subrecipient under 2 CFR 200.331(d), by inquiring whether the subrecipient has contacted the NEP Contract Manager. Nothing in this condition requires the subrecipient to contact the NEP Contract Manager on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

V. Pre-award Costs - (2 CFR 200.209 and 200.458; 2 CFR 1500.8)

Pre-award costs have been approved in accordance with the subrecipient's application.

END OF SECTION

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This table includes only active funding sources.

| Federal Grant Information Sheet | | | | | | | | |
|--|--|--------------------------------------|--|---|---|---------------------------------------|---|---|
| Subrecipient/Contractor: | Whatcom County Flood Control Zone District | | | DOH Contract Manager: Kathy Greer | | | Contact Information: dohcon.mgmt@doh.wa.gov | |
| Contract Number: | GVL28189 | | | Approved Indirect Rate: 10% | | | | |
| UEI Number: | V4VJKSKP3BA7 | | | Limiting Indirect Cost Rate: N/A | | | Research and Development? (If YES, check box) <input checked="" type="checkbox"/> | |
| Period of Performance: | Start Date: DOE | End Date: 9/30/2027 | | | | | | |
| Project Description: This project will adapt the successful Whatcom County Pollution Identification and Correction (PIC) Program to address fecal bacteria sources during critical environmental conditions and in hot spots still impacting areas with tribal, commercial, or recreational shellfish harvest closures or declining water quality. | | | | | | | | |
| Federal Award Identification Number | Federal Award Date | Federal Agency Name | Total Amount of the Federal Award to DOH | CFDA # | CFDA Program Title | Name of Pass-Through Agency | Amount of Federal Funds Obligated by This Action | Total Amount of Federal Funds Obligated for This Funding Source |
| PC-01J89801-1 | 5/31/2022 | U.S. Environmental Protection Agency | \$8,550,000 | 66.123 | Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program | Washington State Department of Health | \$1,536,380 | \$3,015,374 |
| <p>The information below is included for program awareness and possible inclusion of additional language in the SOW. Remove the language below as necessary and if addressed in the SOW, Certifications and Assurances – all requirements imposed on the subrecipient by the federal awarding agency: The contract boilerplate covers all standard certifications and assurances.</p> <p>Are there any additional requirements imposed by the pass-through entity (DOH) to meet its own responsibilities to the awarding agency? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If applicable, this is identified by the DOH program staff writing the contract. This can also be found in the "Statement of Work" section of the contract.</p> <p>All subrecipients are required to make their accounting records available and accessible to the awarding agency. This requirement can be found in the "Records Maintenance" section of the contract.</p> <p>Closeout Requirements:</p> <p>(1) Submit all final billings within 60 days of the end of the contract (This is required per standard contract language.)</p> <p>(2) Submit all required program reports and deliverables within 60 days (This is required per standard contract language.)</p> <p>(3) Dispose of property purchased with subaward funds and dispose of or return government-furnished property no longer used for subaward related activities (If applicable DOH must be contacted for disposal requirements.)</p> <p>(4) Additional DOH program specific contract closeout requirements (If applicable, see statement of work for additional closeout requirements.)</p> | | | | | | | | |